Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

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PAGE 01 JAKART 10545 081155Z
ACTION EA-09

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C O N F I D E N T I A L JAKARTA 10545

E.O. 11562: GDS
TAGS: SHUM, ID
SUBJECT: EMBASSY COMMENT ON HUMAN RIGHTS COUNTRY EVALUATION PLAN

REF: STATE 173142

1. WE BELIEVE INDONESIAN HUMAN RIGHTS EVALUATION PLAN, WHICH HAS JUST BEEN RECEIVED BY POUCH, IS VERY GOOD. WE FAVE FOLLOWING SUGGESTIONS TO MAKE, SOME OF WHICH INVOLVE IMPROVEMENTS IN LANGUAGE PREVIOUSLY SUBMITTED BY EMBASSY):

2. PAGE 3, LINE 2, INSERT "OFTEN" BEFORE "SUPERIOR."

3. RECENT CONVERSATIONS WITH ADMIRAL SUDOMO AND CIVIL RIGHTS ACTIVISTS HAVE EXPANDED OUR UNDERSTANDING OF KEY ISSUES RELATING TO LEGAL BASIS FOR DETENTION OF THOSE INVOLVED IN 1965 COUP ATTEMPT. WE WOULD THEREFORE LIKE TO REPLACE SECOND PARAGRAPH PAGE FOUR WITH FOLLOWING, WHICH WE BELIEVE MORE ACCURATELY DESCRIBES CURRENT SITUATION: BEGIN QTE. THE LEGAL BASIS FOR DETNETION WITHOUT FAORMAL CHARGES OF THOSE SUSPECTED OF SUPPORTING THE 1965 COMMUNIST UPRISING IS A MATTER OF SOME DISCUSSION. COMMAND FOR RESTORATION OF SECURITY AND ORDER (KOPKAMTIB) CHIEF OF STAFF SUDOMO HAS CITED AS THE OVERALL AUTHORITY 1973 PEOPLE'S CONSULTATIVE ASSEMBLY (MPR) DECREE TEN WHICH AUTHORIZES THE PRESIDENT "TO TAKE NECESSARY STEPS IN ORDER TO SAFEQUARD AND MAINTAIN THE UNTIY AND INTEGRITY OF THE CONFIDENTIAL

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MATION AND TO PREVENT THE RECURRENCE OF THE THREAT OF THE PKI/SEPTEMBER 30 MOVEMENT AND OTHER THREATS OF SUBVERSION..." CIVIL RIGHTS ACTIVISTS MAINTAIN, ON THE OTHER HAND, THAT MPR DECREE 10/1973, WHICH PROLONGS THE EMERGENCY POWERS ORIGINALLY CONFERRED BY THE 1966 MPR, DOES NOT IN ITSELF PERMIT DETENTION WITHOUT FORMAL CHARGES. PARLIAMENTARY LAW NO. 5 OF 1969, WHICH ENACTS PROVISIONS OF PRESIDENTIAL

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DECREE NO. 3 OF 1962, HAS BEEN CITED BY THE ATTORNEY GENERAL AS THE LEGAL BASIS FOR HOLDING DETAINEES ON BURU ISLAND AND OTHER RESETTLEMENT AREAS. PRESIDENTIAL DECREE NO. 3, FORMER PRESIDENT SUKARNO'S REVIVAL OF A DUTCH COLONIAL EDICT, PERMITS THE GOVERNMENT WITHOUT TRIAL TO RESETTLE IN SPECIFIED AREAS PERSONS "OBSTRUCTING THE AIMS OF THE REVOLUTION." ALTHOUGH BOTH MPR DECREE 10,1973 AND LAW 5,69 WOULD SEEM TO APPLY TO A WIDE RANGE OF POLITICAL DETAINEES, CIVIL RIGHTS ACTIVISTS CONFIRM THEY HAVE IN PRACTICE BEEN USED ONLY IN CASES CONNECTED WITH THE 1965 COUP ATTEMPT. END QUTE.

4. THE NUMBER OF PKI DETAINEES IS CITED THROUGHOUT THE PARER AS APPROXIMATELY 30,000. WE BELIEVE IT BEST TO USE AN APPROXIMATION OF THE LATEST FIGURE PROVIDED DEPT BY LIM BIAN KIE, I.E. ABOUT 27,000. WE WOULD ALSO SUGGEST CHANGING THE PARENTHESIS IN FIRST SENTENCE OF THIRD PARA
PAGE FOUR
TO "(ROUGHLY ONE-THIRD IN EACH OF THE YEARS 1977, 78 AND 79.)"

5. PAGE 6, IN SECOND SENTENCE OF PARAGRAPH HEADED FREEDOM OF ASSEMBLY, REPLACE "HIGH COVERNMENT OFFICIALS" WITH "SENIOR CIVIL SERVICE OFFICIALS."

6. SINCE GOLKAR IS NOT STRICTLY SPEAKING A POLITICAL PARTY AND SINCE A PREVIOUS USE OF THE TERM POLITICAL PARTIES
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EXCLUDES GOLKAR, THE SECOND SENTENCE OF THE SECOND PARA ON PAGE NINE SHOUDLBE CHANGED TO READ "CURRENT INDONESIAN LAW LIMITS THE NUMBER OF ELECTION PARTICIPANTS TO THREE ORGANIZATIONS:".

7 PAGE 11, LINE FIVE, REPLACE "CONSENSUS (MUSYAWARAH)" WITH "CONSENSUS (MUFAKAT)" OR "CONSULTATIONS AND CONSENSUS (MUSYAWARAH DANHOMGKFAKAT)".

8. PAGE 11, LAST SENTENCE SHOULD READ: THE INDONESIAN RECORD IN EXPANDING PRIMARY EDUCATION, ON THE OTHER HAND, HAS BEEN GOOD.

9. PAGE 15, LINE 7, INSERT FOLLOWING BETWEEN "U.S." AND "OFFICIALS": BUTCH, BRITISH AND AUSTRALIAN.

10. PAGE 17, LINE TWO SHOULD READ: INSPECT THE DETENTION FACILITIES ON BURU ISLAND; LINE FOUR,
DELETE "REPORTEDLY"; LINE 14 SHOULD READ: "MEMBER OF VARIOUS COMMUNIST ORGANIZATIONS AND IS A VITRIOLIC..."

11. SINCE SOME TIMORESE HAVE CITED HIGHER NUMBERS TO US,

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WE SUGGEST THAT THE CEP OMIT THE DEPARTMENT'S ESTIMATE OF THE NUMBER KILLED IN EAST TIMOR FIGHTING GIVEN ON PAGE18.

12. PAGE 22, LINE FIVE, REPLACE INTERNATIONAL WITH INTERNAL.

13. WE SUGGEST ADDING FOLLWING SENTENCE TO PARAGRAPH ON LEVERAGE OPTIONS UNDER ISSUE OF RESPECT FOR CIVIL AND POLITICAL LIBERTIES ON PAGE 22: "THOSE INDONESIAN S PRESSING FOR BROADER POLITICAL PARTICIPATION WOULD BE EMBARRASSED AND PERHAPS HARMED BY EXPLICIT U.S. SUPPORT FOR THEIR CAUSE. AS SUKARNO AMPLY ILLUSTRATED, POLITICAL MODERNIZATION CAN BE IMPEDED IF IT APPEARS TO THE MASSES AS WESTERNIZATION OR AMERICANIZATION."
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14. PAGE 23, LINE ONE SHOULD READC "(B) TO ENCOURAGE, PARTICULARLY, INDONESIA ACTION TO CURTAIL CORRUPTION."

15. WE RECOMMEND ADDING FOLLOWING CLAUSE TO LAST SENTENCE ON PAGE 23: "AND IN EFFECT BE AN INSTRUMENT TO INFLUENCE IMPROVEMENTS IN GOI PERFORMANCE IN SUCH MATTERS AS MOBILIZATION OF DOMESTIC REVENUES, CONTROL OF SHORT TERM BORROWING, PUBLIC ADMINISTRATION, TRAINING, AND HUMAN RIGHTS."

16 PAGE 28, LINE 17 SHOULD READ: "THE 50-ODD POLITICAL ACTIVISTS AND INTELLECTUALS DETAINED WITHOUT TRIAL FOR COMPLICITY..."

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